

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10197 of 2007

Dated: 17-07-2007

Between:

Mamidi Appalanarasayya.

..... PETITIONER

AND

The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10197 of 2007

ORDER:

The petitioner was assigned land admeasuring Acs.3.69 in survey Nos.94/1 to 4 and 6 to 8 situated at Kapuluppada Village, Bheemunipatnam Mandal, Visakhapatnam District, vide D-Form patta in file DR No.642/71 dated 30.07.1971. He allegedly took possession of the land and raised a mango grove. On 09.04.2007, he approached second respondent requesting for issue of pattadar passbook(PPB)/title deed. In response thereto, second respondent issued impugned memo vide Rc.No.319/07/AR dated 02.05.2007 informing the petitioner that D-Form patta granted to him was cancelled and the land was handed over to the Visakhapatnam Urban Development Society. Aggrieved by the same, instant writ petition is filed.

Heard the learned counsel for the petitioner, who reiterated the position of the petitioner as disclosed in the affidavit accompanying the writ petition. The learned Assistant Government Pleader for Revenue, after getting instructions, submits that the assignment was cancelled by the Mandal Revenue Officer(MRO) vide Rc.No.794/2005 C dated 20.01.2006 for violation of the condition of assignment, namely, failing to bring the land for cultivation. He has also placed a copy of said order before this Court, which is made part of the record.

It is no doubt true that the assignee, who got D-Form patta is also entitled to PPB. But in this case even before the petitioner made an application for PPB, the patta was cancelled. If the petitioner is aggrieved, he has to seek necessary remedy against the cancellation by approaching the Revenue Divisional Officer concerned. As regards the cancellation order exists, the petitioner cannot persist with his request for PPB.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

17th July, 2007

ghn